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Federal Public Defender
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4 Telephone: (408) 291-7753
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

E-FILED - 11/21/05

10 UNITED STATES OF AMERICA,) No. 05-CR-00164 RMW
11)
Plaintiff,) **STIPULATION AND**
12) **ORDER TO CONTINUE SENTENCING**
vs.) **DATE**
13)
ROBERT JAMES ASCENCIO,)
14)
Defendant.)
15)

16 Defendant, Robert James Ascencio, through his counsel, Assistant Federal Public
17 Defender Angela M. Hansen, and government counsel, Assistant United States Attorney
18 Matthew Harris, stipulate and agree to continue the sentencing by three weeks—from November
19 21 to December 12, 2005—because counsel for Mr. Ascencio needs additional time to prepare
20 Mr. Ascencio's case for sentencing.

21 First, defense counsel needs additional time to interview Mr. Ascencio's family members
22 and to gather mitigation evidence that Mr. Ascencio plans to present to the Court for
23 consideration at sentencing. Second, the parties anticipate that there will be a dispute in this case
24 concerning the amount of drugs Mr. Ascencio possessed with the intent to distribute. Mr.
25 Ascencio's counsel recently viewed the drug evidence in this case and additional reports were
26 produced concerning the collection of this evidence. Based on this new information, defense
counsel would like additional time to continue to investigate the weight and quantity of the drugs

1 recovered at the scene.

2 Counsel for the government does not oppose this request for additional time and is
3 available for sentencing on December 12, 2005. Mr. Ascencio's counsel contacted United States
4 Probation Officer Karen Mar who informed counsel that she does not oppose this continuance
5 and also is available to appear on December 12, 2005. For these reasons, the parties stipulate and
6 agree to continue sentencing from November 21, 2005 to December 12, 2005 at 9:00 a.m.

7 November 2, 2005

8 /s/
ANGELA M. HANSEN
Assistant Federal Public Defender

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10 November 2, 2005

11 /s/
MATTHEW HARRIS
Assistant United States Attorney

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. 05-CR-00164 RMW
11)
12 Plaintiff,) **ORDER TO CONTINUE**
13 vs.) **SENTENCING DATE**
14)
15 ROBERT JAMES ASCENCIO)
Defendant.)
_____)

16 Pursuant to the stipulation of the parties and good cause appearing, IT IS HEREBY
17 ORDERED that the sentencing date of November 21, 2005 is vacated and continued to
18 December 12, 2005 at 9:00 a.m.

19 Dated: November 21, 2005

20 /S/ RONALD M. WHYTE
21 HONORABLE RONALD M. WHYTE
22 United States District Judge
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1 Distribute to:

2 Ms. Angela M. Hansen
3 Assistant Federal Public Defender
160 West Santa Clara Street, Suite 575
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Counsel for Defendant

5 Mr. Matthew Harris
6 Assistant United States Attorney
150 Almaden Blvd., Suite 900
7 San Jose, CA 95113
Counsel for the United States

8 Ms. Karen Mar
9 United States Probation Officer
1301 Clay Street, Suite 220-S
10 Oakland, CA 94612